

STATE OF IOWA  
PROPERTY ASSESSMENT APPEAL BOARD

**Mitchell A. Fridolfson,**  
Appellant,

**v.**

**Humboldt County Board of Review,**  
Appellee.

**ORDER**

**Docket No. 13-46-0148**  
**Parcel No. 10-01-276-014**

On November 1, 2013, the above-captioned appeal came on for consideration before the Iowa Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. Appellant Mitchell A. Fridolfson was self-represented and requested his appeal proceed without a hearing. County Attorney Jonathan Beaty represented the Board of Review. The Appeal Board now having examined the entire record and being fully advised, finds:

***Findings of Fact***

Mitchell A. Fridolfson is the owner of property located at 209 5th Avenue N, Humboldt, Iowa. The real estate was classified residential on the January 1, 2013, assessment and valued at \$76,940. Fridolfson protested his assessment to the Humboldt County Board of Review on the ground the property was assessed for more than authorized by law under Iowa Code section 441.37(1)(a)(2). He asserted the correct value was \$52,000. The Board of Review granted the protest, in part, reducing the assessment to \$71,290, allocated as \$7920 in land value and \$63,370 in improvement value. Fridolfson then appealed to this Board reasserting his claim.

The property record card indicates the subject is a one-story, frame home built in 1960. It has 1120 square feet of above-grade living area and a partial, unfinished basement. Additional features include a screen porch and a 400 square-foot detached garage built in 1987. The site is 0.17 acres.

The property record card indicates Fridolfson purchased the property in April 2011 for \$42,500. According to the record card and other information in the record, this was a court ordered sale of an estate. At the Board of Review hearing, Fridolfson testified he paid \$50,000 for the property. Further, he stated he “put in new carpet and flooring and one new wall.” He also noted he rents the property for \$500 a month.

Fridolfson also told the Board of Review the subject property is in a flood plain, but he was unaware of it at the time of purchase. Because it is located in a flood plain, he believes the assessment should be lower. However, he offered no evidence to show how the flood plain location impacts the market value of the property.

In his appeal to this Board, Fridolfson simply asserts the assessed value should be lowered based on the original purchase amount. He did not offer any evidence of the fair market value of the subject property, other than the 2011 purchase price.

### ***Conclusion of Law***

The Appeal Board applied the following law.

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2011). This Board is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. § 441.37A(3)(a). The Appeal Board considers only those grounds presented to or considered by the Board of Review. § 441.37A(1)(b). But new or

additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. § 441.21(1)(b). "Market value" essentially is defined as the value established in an arm's-length sale of the property. *Id.* Sale prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. *Id.* If sales are not available, "other factors" may be considered in arriving at market value. § 441.21(2). The assessed value of the property shall be one hundred percent of its actual value. § 441.21(1)(a).

In an appeal alleging the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(a)(2), the appellant has a two-fold burden. *Boekeloo v. Bd. of Review of the City of Clinton*, 529 N.W.2d 275, 277 (Iowa 1995). First, the appellant must show that the assessment is excessive. Iowa Code § 441.21(3); *Boekeloo*, 529 N.W.2d at 276-77. Second, the appellant must provide evidence of the property's correct value. *Boekeloo*, 529 N.W.2d at 276-77.

Fridolfson purchased the property in April 2011. The purchase price is the only evidence of value he provided. It is clear from the wording of 441.21(1)(b) that a sales price for the subject property in a normal transaction just as a sales price of a comparable property is a matter to be considered in arriving at market value but does not conclusively establish that value. *Riley v. Iowa City Board of Review*, 549 N.W. 2d 289, 290 (Iowa 1996). A sales price in an abnormal transaction is not to be taken into account unless the distorting factors can be clearly accounted for. Iowa Code § 441.21(1)(b). Section 441.21(1)(b) does not define all types of abnormal transactions, and because the sale was a court-ordered estate sale we cannot conclude the sale price of the subject reflects the property's fair market value without additional information to confirm the sale was arm's-length or

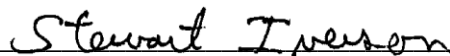
information to support the purchase price. For these reasons, we find the Fridolfson has failed to provide sufficient evidence to support a claim that his property was over-assessed.

THE APPEAL BOARD ORDERS the assessment of the Mitchell A. Fridolfson's property located at 209 5th Avenue N, Humboldt, Iowa, as set by Humboldt County Board of Review is affirmed.

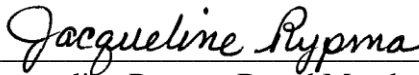
Dated this 4th day of December, 2013.



Karen Oberman, Presiding Officer



Stewart Iverson, Board Chair



Jacqueline Rypma, Board Member

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